

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE NATURAL RESOURCES COMMITTEE

Bill 111 Rescind
Date: Friday, February 20, 2009
Place: Capitol

Time: 3:00 pm
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 426, SB 427, SB 481

SB 426 SB 481 _____

SB 427 _____

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 370 - ^{Withdrawn} ~~to be postponed~~ SB 420 Tabled SB 427 DPAA

SB 324 Tabled SB 422 Tabled SB 462 DPAA

SB 440 P SB 461 P SB 426 DPAA

SJ 21 P ^{Reconsidered} SB 200 Tabled SB 481 P

COMMENTS:

Kelly Gebhardt
SEN. Kelly Gebhardt, Chairman

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: February 20, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR KELLY GEBHARDT, CHAIR	✓	
SENATOR DEBBY BARRETT, VICE CHAIR	✓	
SENATOR AUBYN CURTISS	✓	
SENATOR KEN HANSEN	✓	
SENATOR CHRISTINE KAUFMANN		✓
SENATOR JIM KEANE	✓	
SENATOR GARY PERRY	✓	
SENATOR JIM PETERSON	✓	✓
SENATOR DONALD STEINBEISSER		✓
SENATOR MITCH TROPILA		✓
SENATOR DAVID WANZENRIED		✓



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 440** (first reading copy -- white) **do pass**.

Signed: _____

Kelly Gebhardt
Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ☐

SB0440001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Joint Resolution 21** (first reading copy -- white) **do pass**.

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ☐

SJ0021001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 461** (first reading copy -- white) **do pass**.

Signed: _____

Kelly Gebhardt
Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required ____

SB0461001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 6

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 426** (first reading copy -- white) **do pass as amended.**

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Title, line 4.

Following: "COMPACT"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 7.

Strike: "compact"

Insert: "Compact"

3. Page 2, line 9.

Strike: "2"

Insert: "3"

Following: "5"

Strike: ", "

Insert: "and"

Following: "6"

Strike: ", 7, and 8"

4. Page 2, line 14.

Following: "1.5 Animal"

Strike: "Unit"

Insert: "Units,"

5. Page 2, line 15.

Strike: "and"

Strike: "Unit"

Insert: "Units, one elk equals 0.75 Animal Units, and one mule

Committee Vote:

Yes 11, No 0

Fiscal Note Required __

SB0426001SC.sdr

deer, whitetail deer, bighorn sheep, or antelope equals 0.2
Animal Units"

6. Page 3, line 5.

Following: line 4

Insert: "(13) "Nonconsumptive Use" means the use of a water right
considered to be nonconsumptive by the decree, permit, or
law authorizing the use because it results in no depletion
of water from the source."

Renumber: subsequent subsections

7. Page 3, line 20.

Following: "bison"

Insert: "and other mammals"

8. Page 3, line 21.

Following: "267"

Insert: ", 35 Stat. 1051"

9. Page 3, lines 25 through 27.

Strike: line 25 through line 27 in their entirety

10. Page 3, line 28.

Strike: "2."

Insert: "1."

11. Page 3, line 29.

Strike: "Current Wildlife"

Insert: "Consumptive"

Strike: "consumptive use"

Insert: "Consumptive Use"

12. Page 3, line 30.

Strike: "3"

Insert: "2"

Strike: "Wildlife Use"

Insert: "Consumptive Use for wildlife purposes"

13. Page 4, line 1.

Following: "exceed the"

Insert: "amount of water needed to feed and water the"

14. Page 4, line 3.

Strike: "4"

Insert: "3"

15. Page 4, lines 4 through 7.

Strike: "Bird Habitat" on line 4

Insert: "Nonconsumptive"

Following: "Use." on line 4

Strike: remainder of line 4 through "Compact." on line 7

16. Page 4, line 8.

Following: "for"

Insert: "largely Nonconsumptive Uses to fill"

Strike: "Ponds"

Insert: "Potholes, when the water is naturally available,"

Strike: "151"

Insert: "177"

17. Page 4, line 9.

Following: "Creeks"

Strike: "for the maintenance of loafing and rearing habitat for
birds"

Insert: ", when such flows are naturally available"

18. Page 4, line 10.

Strike: "6"

Insert: "4"

19. Page 4, line 11.

Strike: "3."

Insert: "2."

20. Page 4, line 12.

Strike: "consumptive use"

Insert: "Consumptive Use"

21. Page 4, line 15.

Strike: "non-consumptive"

Insert: "Nonconsumptive Uses for"

Following: "administrative"

Strike: "uses"

Insert: "purposes"

22. Page 4, line 16.

Strike: "7"

Insert: "5"

23. Page 4, line 18.

Strike: "consumptive use"

Insert: "Consumptive Use"

24. Page 4, line 22.

Strike: "4."

Insert: "3."

25. Page 4, line 26.

Strike: "consumptive use"

Insert: "Consumptive Use"

26. Page 4, line 27.

Strike: "5."

Insert: "4."

27. Page 4, line 28 through page 5, line 1.

Strike: "a." on line 28 through "b." on line 30

Following: "rights" on line 30

Strike: remainder of line 30 through "B.3.," on page 5, line 1

Insert: "quantified in the Compact"

28. Page 5, lines 2 through 4.

Strike: "6." on line 2

Insert: "5."

Following: "in" on line 2

Strike: remainder of line 2 through "B.3." on line 3

Insert: "this Compact"

Following: "1908" on line 3

Strike: remainder of line 3 through "1921" on line 4

29. Page 5, line 7.

Strike: "2"

Insert: "3"

Following: "4,"

Insert: "and"

Following: "5"

Strike: ", 6, and 7"

30. Page 5, line 8.

Strike: "current"

31. Page 5, line 23.

Strike: "right"

Insert: "rights"

32. Page 6, line 1.

Strike: "consumptive use"

Insert: "Consumptive Use"

33. Page 6, lines 17 and 18.

Following: "diversion" on line 17

Strike: "and measurement"

Strike: "consumptive use"

Insert: "Consumptive Use"

Following: "Compact" on line 17

Strike: remainder of line 17 through "herein" on line 18

34. Page 6, line 28.

Strike: "III.B.3.(b)"

Insert: "III.B.2.(b)"

35. Page 6, line 29.

Strike: "III.B.3.(a)"

Insert: "III.B.2.(a)"

36. Page 6, line 30.

Strike: "III.B.3."

Insert: "III.B.2."

37. Page 7, line 1.

Strike: "."

Insert: "; and"

38. Page 7, line 4 through line 25.

Strike: lines 4 through 25 in their entirety

Insert: "1. Nonconsumptive Uses. Water rights specified in this Compact for natural flow or other Nonconsumptive Uses shall not be subject to Change in Use, provided that the emergency use of water for fire suppression as provided for in Article III.B.3 shall not be deemed a Change in Use or violation of a water right for natural flow.

2. Consumptive Uses. The United States may make a Change in Use of its Consumptive Use water rights described in Article III of this Compact provided that:

(a) the Change in Use shall be in fulfillment of the purposes of the National Bison Range;

(b) the total Consumptive Use shall not exceed the amount described in this Compact;

(c) the Change in Use shall not adversely affect any water right Arising Under State Law; and

(d) with the exception of the provisions governing a change in the purpose for which the water right is used, the United States, in making the change, shall comply with the provisions of the Montana Water Use Act, Title 85, chapter 2, MCA, applicable to change in appropriation rights at the time of the change."

39. Page 7, line 26.

Strike: "4."

Insert: "3."

40. Page 7, line 27.

Strike: "III.B.4"

Insert: "III.B.3"

41. Page 8, line 1.

Strike: "III.B.3.(b)"

Insert: "III.B.2.(b)"

42. Page 8, line 4.

Strike: "III.B.4"

Insert: "III.B.3"

43. Page 10, line 1.

Strike: "compact"

Insert: "Compact"

44. Page 10, line 13.

Strike: "This"

Insert: "this"

45. Page 10, line 17.

Strike: "effective date"

Insert: "Effective Date"

46. Page 10, line 18.

Strike: "party"

Insert: "Party"

47. Page 10, line 23.

Strike: "party"

Insert: "Party"

48. Page 10, line 25.

Strike: "This"

Insert: "this"

49. Page 11, line 4.

Strike: "8"

Insert: "6"

50. Page 11, line 9.

Following: the first "Date of"

Strike: "This"

Insert: "this"

Following: the second "Date of"

Strike: "This"

Insert: "this"

51. Page 11, line 30.

Insert: "NEW SECTION. Section 3. Effective date. [This act]
is effective on passage and approval."

- END -



SENATE STANDING COMMITTEE REPORT

February 21, 2009

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Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 427** (first reading copy -- white) **do pass as amended.**

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

And, that such amendments read:

1. Page 1, line 13.

Following: "Short title"

Insert: "-- scope"

Following: "title."

Insert: "(1) "

2. Page 1, line 15.

Following: line 14

Insert: "(2) [Sections 1 through 6] apply only to common law claims brought in judicial proceedings on behalf of private interests of individuals or entities."

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

SB0427001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Bill 481** (first reading copy -- white) **do pass**.

Signed: *Kelly Gebhardt*
Senator Kelly Gebhardt, Chair

- END -

Committee Vote:

Yes 7, No 4

Fiscal Note Required ☐


SB0481001SC.sdr

COMMITTEE FILE COPY

TABLED BILL

The **SENATE NATURAL RESOURCES COMMITTEE** TABLED **SB 200, SB 324, SB 420, SB 422**, by motion, on **Friday, February 20, 2009**.

Comments: SB 200 was moved to reconsider motion and was re-tabled again.


(For the Committee)


(Secretary of the Senate)

7:15, 2/21
(Time) (Date)

February 20, 2009

Lindsey Hern, Secretary

Phone: 4814

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE Feb. 20, 2009 BILL NO SB 940 MOTION NO. 1
MOTION: Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR MITCH TROPILA		✓	
SENATOR AUBYN CURTISS	✓		
SENATOR KEN HANSEN		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR CHRISTINE KAUFMANN		✓	✓
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED		✓	
SENATOR KELLY GEBHARDT, CHAIR	✓		

7 4

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 02/20/09 BILL NO 5121 MOTION NO. 1
 MOTION: Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR MITCH TROPILA		✓	
SENATOR AUBYN CURTISS	✓		
SENATOR KEN HANSEN		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR CHRISTINE KAUFMANN		✓	✓
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED		✓	
SENATOR KELLY GEBHARDT, CHAIR	✓		

7 4

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 02/20/09 BILL NO. SB461 MOTION NO. _____
 MOTION: Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR MITCH TROPILA	✓		
SENATOR AUBYN CURTISS		✓	
SENATOR KEN HANSEN		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR CHRISTINE KAUFMANN	✓		✓
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED		✓	✓
SENATOR KELLY GEBHARDT, CHAIR		✓	

6 5.

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 02/20/09 BILL NO SB481 MOTION NO. 1
 MOTION: Do Pass

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR	✓		
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON	✓		
SENATOR MITCH TROPILA		✓	
SENATOR AUBYN CURTISS	✓		
SENATOR KEN HANSEN		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR CHRISTINE KAUFMANN		✓	✓
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED		✓	
SENATOR KELLY GEBHARDT, CHAIR	✓		

7 4

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 02/20/09 BILL NO SB200 MOTION NO. 1
 MOTION: To Reconsider Motion as Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON		✓	
SENATOR MITCH TROPILA	✓		
SENATOR AUBYN CURTISS		✓	
SENATOR KEN HANSEN	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR CHRISTINE KAUFMANN	✓		✓
SENATOR GARY PERRY	✓		
SENATOR DAVID WANZENRIED	✓		
SENATOR KELLY GEBHARDT, CHAIR		✓	

6 5

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 02/20/09 BILL NO SB200 MOTION NO. 2
 MOTION: Do Pass As Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR DEBBY BARRETT, VICE CHAIR		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON		✓	
SENATOR MITCH TROPILA	✓		
SENATOR AUBYN CURTISS		✓	
SENATOR KEN HANSEN	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR CHRISTINE KAUFMANN	✓		✓
SENATOR GARY PERRY		✓	
SENATOR DAVID WANZENRIED	✓		
SENATOR KELLY GEBHARDT, CHAIR		✓	

5 6.

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Natural Resources Committee because of other commitments. I desire to leave my proxy vote with:

Senator Wanzelried

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

SB 324 Tabled	✓	
SB 440 Do Pass		✓
ST 21 Do Pass		✓
SB 420 Tabled	✓	
SB 422 Tabled	✓	
SB 461 Do Pass	✓	
SB 426 ^{04 2602 APP} Amended	✓	
" Do Pass amended	✓	
SB 427 Amendment	✓	
" Do pass amended	✓	
SB 481 Do pass		✓
SB 200 Re-consider	✓	
" Do Pass	✓	
" Table		✓

BILL/AMENDMENT AYE NO

SB 370 ^{be} amended	✓	

Sen. Cherie Karp
(Signature)

Date 2/20/09

MONTANA STATE SENATE

Visitors Register

Natural Resources Committee

Date 2/20

Bill No. 426 Sponsor(s) Leslovich

PLEASE PRINT

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

Natural Resources Committee

Date 2/20

Bill No. 427 Sponsor(s) Faslovich

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

Visitors Register

Natural Resources Committee

Date 2/20

Bill No. 481 Sponsor(s) Barkus

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.